

REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 1-40 are pending, with claims 1, 14, 24 and 27 being independent. By this Amendment, claims 1, 4, 14, 17, 24, 27, 30 and 37-40 are amended. The Examiner is thanked for indicating that claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

The Examiner rejects claims 1-13 and 37 under 35 U.S.C. §112, first and second paragraph. In particular, the Examiner alleges that there is no support in the specification for the recitation of comparing, for each group, the approximately equal colors of the group, to all the colors of the second image data that are adjacent to the first image data of the group. This rejection is respectfully traversed. Support for this feature of the claims can be found at least at paragraph 55 of the specification wherein the synthesizing unit 16 extracts the position information of circumscribing rectangles of all elements of the foreground image data and detects the colors of the background image data that correspond to the circumscribing rectangles. The reference to Applicant's specification is meant to be non-limiting. Withdrawal of the rejections under 35 U.S.C. §112, first and second paragraph is respectfully requested.

Claims 1-3, 9, 11, 14-16, 22-29 and 35 are rejected under 35 U.S.C. §102(e) as being anticipated by Bates. Claims 4, 6, 10, 17, 19, 30, 32 and 36-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Honda (translation of Japanese Patent No. 09-025285A), hereinafter Honda. Claims 5, 18 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in

view of Honda and further in view of Fujimoto et al. (U.S. Patent No. 5,930,385), hereinafter Fujimoto. Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Adegeest (U.S. Patent No. 5,872,572), hereinafter Adegeest.

Independent claim 1 now recites, a first color detection means for detecting colors of first image data by each processing unit, said first image data including data of a plurality of foreground objects and grouping all of the detected colors of the plurality of foreground objects in the first image data into groups, each group containing a grouping of approximately equal colors from the plurality of foreground objects. A second color detection means detects colors of second image data that serves as the first image data's background by each processing unit. The second image data has a plurality of different colors. Comparing means compares a representative color that is determined from the approximately equal colors of each group to all the colors of the second image data that are adjacent to the first image data of the group and specifies a single uniform adjusting color to be used for the group, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

The colors of a plurality of objects of the foreground (first) image data are grouped by their colors (approximately equal colors), and a representative color that is determined from the approximately equal colors of the group is compared with the color of the background (second) image data.

Bates does not disclose grouping all the detected colors of the plurality of foreground objects in the first image data into groups, each group containing a grouping of approximately equal colors from the plurality of foreground objects and

comparing, for each group, a representative color determined from the approximately equal colors of the group to all the colors of the second image data that are adjacent to the first image data of the group, as recited in amended claim 1.

As alleged by the Examiner, on page 3 of the Office Action, Bates discloses comparing for each group, the approximately equal colors of the group to all the colors of the second image data. At column 4, lines 29-30, Bates discloses that the background colors are compared against the text objects colors to determine color contrast problems. Bates does not disclose finding a representative color for a plurality of grouped objects. As disclosed in Figs. 3 and 4 of Bates, when a plurality of foregrounds are positioned on a background, it is judged whether each combination of each color of the foregrounds and a color of the background causes problems. In other words, when one foreground includes various colors, Bates compares a plurality of colors of the foreground with the color of the background one by one respectively.

Thus, Bates does not disclose comparing, for each group, a representative color that is determined from the approximately equal colors of the group, to all the colors of the second image data that are adjacent to the first image data of the group, as recited in amended claim 1.

Independent claims 14, 24 and 27 are allowable for reasons similar to those discussed above with respect to independent claim 1.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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